

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

C. North PTL and the State of South
Carolina,

Plaintiffs,

vs.

Alston Bennett,

Defendant.

Case No.: 4:22-cv-00360-JD-KDW

OPINION & ORDER

This matter is before the Court with the Report and Recommendation of United States Magistrate Kaymani D. West (“Report and Recommendation” or “Report”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Defendant Alston Bennett (“Defendant” or “Bennett”) proceeding *pro se*, filed a Notice of Removal that purports to remove a uniform traffic ticket, incident number 22-000518, from the Myrtle Beach Municipal Court (“Municipal Court”) to this Court based on diversity jurisdiction. Defendant also claims this Court has federal question jurisdiction over this action because this case “arises under the Constitution, laws, or treaties of the United States.” (DE 1, pp. 2-3.)

The Report and Recommendation was issued on February 23, 2022, recommending this matter be remanded to Municipal Court because the Defendant failed to establish this Court’s jurisdiction over the state uniform ticket for which he seeks removal. (DE 7.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Bennett filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that matter is remanded to the Myrtle Beach Municipal Court.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is fluid and cursive, with the last name "Dawson" being more prominent.

Joseph Dawson, III
United States District Judge

March 31, 2022
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.